

REMARKS

The present amendment is in response to the Office Action dated July 14, 2005 where the Examiner has rejected claims 21-40, which includes five (5) independent claims 21, 26, 30, 34 and 37. By the present amendment, Applicant cancels claims 24 and 33, and amends claims 21, 25, 27, 28 and 37 as discussed below.

A. Rejection to the Claims 24, 33, 37 under 35 U.S.C. 112

In response to the Examiner's rejection of claims 24, 33 and 37 under 35 U.S.C. 112, Applicant cancels claims 24 and 33 but reserves the right to claim an embodiment of the invention in the alternative (unauthorized) in a continuation application since the specification discloses ascertaining geographic characteristic that are either an "authorized and/or unauthorized". (Pages 6 and 7 of Applicant's specification)

Regarding the rejection to claim 37, Applicant amends the claims to refer to a memory for storing both the authorized geographic characteristics and the authorized locations of the phone to determine whether a call is allowed or restricted as supported by Applicant's specification on page 10, lines 7-14.

B. Rejection to the Claims 27, 28, 37 under 35 U.S.C. 112

The Examiner states that there is insufficient antecedent basis for "the comparison result". Applicant utilized the wording as follows: " the comparison results in" where "the comparison" refers to the step of comparing, and "results in" is what occurs after the comparison. However, in response to the rejection, Applicant rewords the claims to delete "results in" and to clarify the claimed invention.

C. Objection to the Claim 25 under 35 U.S.C. 112

Applicant amends claim 25 to depend on independent claim 21.

D. Rejection of Claims 21 and 30 under 35 U.S.C. §102(e)

The Examiner rejects independent claims 21 and 30 under 35 U.S.C. 102(b) as anticipated by Irvin (US6556819). Irvin discloses a triggering event that initiates determining the actual location of the device and then initiating security measures if the device is not in a "safe zone". Thus, the Examiner is equating Irvin's triggering event with Applicants receiving (an input) telephone number. However, Irvin does not disclose that a triggering event includes inputting a phone number. The Examiner cites col. 6, lines 3-39, where triggering events are motion detection or powering-on. The Examiner's other cited section, col. 3, lines 39-42, discloses that the device has a keypad 108. Neither of these sections disclose, teach or suggest that inputting a phone number is a triggering event. Further, Irvin is very specific about "security features". As discussed in col. 4, lines 66-7, through col. 5, line 30, security features prevent the theft and inadvertent loss of the phone. These features includes motion detectors, password protection, wireless key mode, etc. Irvin does not disclose a security measure of restricting the placement (or receipt) of a call based upon a comparison of physical location as claimed by Applicant.

Specifically, claim 21 comprises, inter alia,

"placing a phone call to the inputted phone number when the determined physical location matches an authorized location of the plurality of authorized locations"

Since Irvin does not specifically teach or suggest this element of the claim as discussed above, then claim 21 is not anticipated by the Irvin patent since a rejection under 35 U.S.C. 102(e) requires that each and every element must be disclosed by the reference.

Similarly, claim 30 comprises, among other things,

" a wireless communication circuit connected to the controller for initiating a phone call to the inputted phone number only if the controller outputs the indication of the match"

Irvin does not disclose that input of a phone number is a triggering event. Further, Irvin does not disclose that the controller utilizes the result of a comparison of physical location to initiate a phone call. Thus, since Irving does not teach or suggest this element of the claim, then claim 30 cannot be anticipated by the Irvin patent.

Thus, Applicant respectfully requests that the Examiner withdraw the rejections under 35 U.S.C. 102(e) and issue a notice of allowance for independent claims 21 and 30 and the claims dependent thereupon.

E. Rejection of Claims 22-24 under 35 U.S.C. §103(a)

The Examiner rejects claims 22-24 under 35 U.S.C. 103(a) as unpatentable over Irvin in view of Kaplan (US5884192). Claim 24 is canceled. In a previous office action the Examiner admits that "Kaplan fails to disclose having the features determining a position location of the wireless communications device utilizing a GPS function inside of the wireless communications device; and using the position location to authorize the placing of the phone call." Applicant asserts that Irvin fails to cure this deficiency of Kaplan. That is, although the Irvin patent discloses the use of GPS to assist in determining whether to initiate security measures, Irvin does not disclose using the position location to authorize the placing of the phone call. Taking the leap of equating the inputting of a phone number to a triggering event, and restricting/placing a phone call to a security measure is not supported by the Irvin patent. Thus, the Examiner is using impermissible hindsight in the rejection. As such, Applicant respectfully traverses the Examiners statements of obviousness on pages 8, 9, 10 and 11 that the combination of Irvin and Kaplan teaches Applicants claimed invention of claim 21. Since the rejected claims 22-24 further limit independent claim 21, and since the combination of Kaplan and Irvin does not teach or suggest Applicant's invention of claim 21, Applicant respectfully asserts that claims 21-23 and 25 are patentable over these cited references alone or in combination.

F. Rejection of Claims 25-29 and 31-40 under 35 U.S.C. §103(a)

The Examiner rejects claims 25, 26-29, 31-33, 34-36, and 37-40 as unpatentable over Irvin in view of Rahikainen (US6085080). (Applicant has parsed the rejection according to independent claim sets.) Claim 33 is canceled.

Rahikainen discloses a WLL subscriber station that is responsive to a telephone number dialed by a user or received from the wireless network for comparing all or a portion of the number to at least one of the stored lists, and for rejecting a call that matches a stored telephone number or portion of a telephone number. However, the memory 11b described by Rahikainen is not in phone, but rather is in a TRX 11 component connected to a phone. Comparator functions 14a and 14b do the comparison between incoming and outgoing calls and the data stored in memory 11b. (See Rahikainen, Col. 5 lines, 7-31, Fig. 2a and 2b.) Thus, the comparison is outside of the phone.

Regarding claim 25 which is dependent upon claim 21, claim 25 adds the limitation of "not accepting an incoming phone call when the determined physical location does not match one of the plurality of authorized locations" to base claim 21. Although Rahikainen discloses restricting incoming calls, this patent fails to cure the basic deficiencies of Irvin alone or in combination with Irvin and Kaplan as discussed above with reference to base claim 21. That is Rahikainen restricts incoming phone calls outside of the phone. Irvin does not teach or suggest restricting incoming phone calls. Thus, Applicant asserts that claim 25 is patentable over the cited art.

Regarding claims 26-29, independent claim 26 claims, among other things, "utilizing a controller in the wireless communications device for comparing the determined physical location with a plurality of authorized locations, the plurality of authorized locations pre-stored in a memory of the wireless communications device; and not accepting an incoming phone call when the determined physical location does not match one of the plurality of authorized locations."

Rahikainen does not teach using a controller in the device to make the discussed comparison in order to restrict a call, rather, the restriction occurs outside of the device. Kaplan does not teach restricting incoming calls. Irvin does not cure the deficiencies of these references alone or in combination. That is, Irvin does not teach or suggest an incoming call as a triggering event. Also, Irvin does not teach or suggest that not accepting an incoming phone call is a security measure. Thus, Applicant asserts that independent claim 26, and claims 27-29 dependent thereupon, are patentable over the cited references.

Regarding claims 31-33, these claims are dependent upon independent claim 30. The combination of Irvine and Rahikainen do not result in the claimed invention of independent claim 30. Specifically, independent claim 30 claims "a wireless communication circuit connected to the controller for initiating a phone call to the inputted phone number only if the controller outputs the indication of the match" Irvin does not disclose that an input of a phone number is a triggering event and does not disclose that the controller utilizes the result of a comparison of a physical location to stored authorized location to initiate a phone call. Rahikainen does not teach that comparisons are performed inside of the device as claimed by Applicant. Thus, Applicant asserts that since claims 31-32 (claim 33 is canceled) are dependent upon a patentable base claim 30, then these claims are patentable over these cited references.

Regarding claims 34-36, claims 34 comprises, inter alia, "a controller means for determining a particular area code of the inputted phone number, and for determining if the particular area code matches an authorized area code of the plurality of authorized area codes or an unauthorized area code of the plurality of unauthorized area codes, the controller means for outputting an area code match signal; the controller means further determining if the determined physical location matches an authorized location of the plurality of authorized locations or an unauthorized location of the plurality of unauthorized locations, the controller means for outputting a location match signal".

As discussed above, Irvin does not disclose the use of an inputted phone number as a triggering event, and the Rahikainen patent does not disclose comparisons made internal to the device. Thus, these references, alone or in combination do not teach or suggest the invention of independent claim 34 and the claims dependent thereupon.

Regarding claims 37-40, the cited references do not teach or suggest the invention of independent claim 37 and the claims dependent thereupon. Specifically, claim 37 claims, among other things, "a processor for performing a first comparison of the inputted phone number to the at least one authorized geographic characteristic, and for performing a second comparison of the determined physical location to the at least one authorized location, the processor outputting a place call signal or a block call signal based upon a result of the first comparison and the second comparison". The Irvin patent does not teach or suggest a comparison between an inputted phone number and authorized geographic characteristic, and does not teach or suggest a comparison a physical location to an authorized physical location to allow or restrict phone calls. Also, as discussed above, Irvin does not teach or suggest that an input phone number is a triggering event. Thus, Applicant's claimed invention cannot be equated with the Irvin device. Further, Rahikainen does not cure the basic deficiencies of Irvin as Rahikainen merely teaches restricting incoming calls through a controller outside of the phone. Thus, the combination of teachings of these two references does not result in Applicant's claimed invention of claim 37. As such, Applicant asserts that independent claim 37 and dependent claim 38-40 are patentable over the cited references.

Applicant respectfully traverses the Examiners statements of obviousness on pages 12-27 that the combination of Irvin and Rahikainen teaches Applicants claimed inventions of the rejected claims. The Examiner admits that Irvin fails to disclose comparing an inputted phone number to authorized geographical characteristics, but then states that this feature is obvious. In fact, Rahikainen does not teach or suggest

comparing authorized geographical characteristics to an input phone number. Rather, Rahikainen discloses comparing the location of a device to acceptable locations, but this comparison is performed outside of the phone. Thus, the combination of the two references cannot be combined to result in the claimed inventions of independent claims 21, 26, 30, 34 and 37.

G. Alternative Rejection of Claims 25-26 under 35 U.S.C. §103(a)

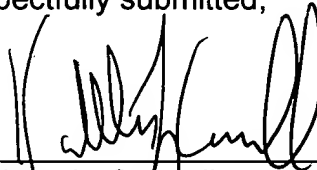
The Examiner further rejects claims 25 and 26 as unpatentable over Irvin in view of Agness (US6799052). Agness restricts calls to all devices in a restricted area. As discussed in col. 2 lines 64-67 through col. 3, lines 1-10, a monitoring and control software (MCS) of each cell base station intercepts cell phone control signals and compares the GPS locations of the phones to the stored databases which are outside of the phones. The restricted areas apply to all phones, in contrast to Applicant's invention in which restricted areas are applied to individual phones. Thus, this reference teaches the use of GPS, but does not teach Applicant's methods, devices and networks for restricting or allowing incoming or outgoing calls. The basic deficiency of Irvin remains, that is, Irvin does not teach or suggest that a security triggering device can be an inputted phone number, and that a security measure can be restricting or allowing a specific phone call based upon a specific input of a number. Further, Agness does not cure these basic deficiencies since, for example, all comparisons of actual location verses GPS location occurs outside of the wireless device.

H. Conclusion

Applicant asserts that claims 21-40 are neither anticipated by Irvin under 35 U.S.C. 102(e) nor unpatentable over Irvin in view of the cited references under 35 U.S.C. 103(a) as discussed above. Thus, Applicant respectfully requests that the Examiner issue a notice of allowance for all of the pending claims 21-40.

Should the Examiner believe that prosecution of this application might be expedited by further discussion of the issues, he is invited to telephone the attorney for Applicant at the telephone number listed below.

Respectfully submitted,



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By: _____

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